

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**NIKKITA MONTOYA, and
ELIZABETH MONTOYA,**

Plaintiffs,

vs.

Civil No. 09-1068 BB/RLP

**NEW MEXICO DEPARTMENT OF PUBLIC SAFETY,
FARON SEGOTTA, in his capacity as
Chief of the New Mexico State Police Division
of the Department of Public safety, and
JOHN LYTLE, in his capacity as a
New Mexico State Police Officer,**

Defendants.

ORDER

The matter before the court is Defendants' Motion for More Definite Statement (Docket No. 5), filed November 13, 2009. Plaintiffs have not filed a response to the motion, nor have they requested additional time to respond. Pursuant to D.N.M. LR-Civ.7.1(a), Plaintiffs have consented to the Motion.

The court **FINDS** that Defendants' Motion for More Definite Statement is well taken and should be granted.

IT IS THEREFORE ORDERED that Plaintiffs shall file a more definite statement as to the Complaint for civil Rights Violations and Damages providing the following:

- 1) Clarifying whether the dates referred to in ¶¶ 8-11 of the Complaint are 2006 or 2009;
- 2) Identifying what specific rights under the Constitution of the United States were allegedly violated by Defendant Lytle. (See Complaint ¶¶ 14-17).

IT IS FURTHER ORDERED that Plaintiff shall file the more definite statement on or

before December 31, 2009.

IT IS FURTHER ORDERED that Defendants' Answer or Motion under F.R.Civ.P. 12(b)(6) shall not be due until ten (14) days after Plaintiffs' have filed their more definite statement.

IT IS SO ORDERED.



RICHARD L. PUGLISI
Chief United States Magistrate Judge